

Application No. 10/590,611
Reply to Office Action of May 9, 2007

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Docket No.: 66126(70301)

REMARKS

In the Office Action dated May 9, 2007, claims 18-34 are pending and all claims are rejected. Reconsideration is requested, at least for the reasons discussed herein.

A Substitute Specification is enclosed herewith, wherein section headings are included and references to claims are replaced with the original claim language. A redlined comparison of the substitute specification with the original specification also is enclosed. No new matter has been added.

Objection is made to the abstract of the disclosure. A new abstract of the disclosure is included with the substitute specification. Claim terminology has been removed.

Claim 32 is rejected under 35 U.S.C. §112, second paragraph. It is believed that the above amendment overcomes this rejection.

The claims have been amended to more particularly point out and distinctly claim the subject matter regarded as invention.

Claims 18, 22-32 and 34 are rejected under 35 U.S.C. §102(b) over Chen US 2002/019081 A1. The present invention, as set forth in claim 18, recites that the elongated body further comprising respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends by of said borings. The present invention, as set forth in claim 31, recites that the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material.

In Chen, handles 20 (Figs. 1-9) are not attached through borings being formed in the elongated body transverse to its longitudinal direction. In the exercising forms,

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illustrated in Figs. 14 and 15, where the Chen device is designed for being elastically flexed from a longitudinal direction, handles 20 are even removed. Thus, in that embodiment, no handles are attached at all, much less are they close to respective body ends of the elongated body through borings transverse to the longitudinal direction thereof.

Further, in embodiments where a cable 10 is used for exercises (Figs. 8-10, [0031]), handles 20 are disengaged from longitudinal member 60 and/or rods 70, while the latter elements may be engaged with or attached to a door or frame member 99.

Thus, Chen *fails* to describe or suggest the specific attachment of the handles as presently claimed by claims 18 and 31, and claims depending therefrom.

Moreover, the structural features of present invention, as set forth in claims 18 and 31, are not equivalent to the structures and arrangements of the sports devices in the cited references. Specifically, without a need of disengaging and restructuring the device (as, for example, required by the exerciser of Chen), in accord with the present invention, it is possible to perform a plurality of gymnastic exercises and to have more flexibility of the sports device as a whole, especially better flexing capabilities and additional stretching capabilities. At the same time, a good overall integrity of the entire sports device is maintained, as the handles maintain attachment by specific structures as set forth in present claims 18 and 31 and provide significant improvements over sports devices of the cited prior art.

Thus, it is not seen how the present invention is anticipated by Chen. Nor is it seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of Chen.

Claims 18, 22, 23 and 32 are rejected under 35 U.S.C. §102(b) over Brown US 5,004,226. Brown also fails to teach or suggest the elongated body further comprising

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respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends by of said borings, as set forth in claim 18, or the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, as set forth in claim 31.

There is no hint whatsoever in Brown to the claimed features of present invention (compare, in particular, Brown Figs. 1 and 4 and col. 6, lines, 20-25). Thus, it is not seen how Brown anticipates the present invention. Nor is it seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of Brown.

Claims 18-26 are rejected under 35 U.S.C. §102(b) over Sanso et al. US 2001/0049240 A1 ("Sanso"). Sanso also fails to teach or suggest the elongated body further comprising respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends by of said borings, as set forth in claim 18, or the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, as set forth in claim 31.

Again, there is no hint whatsoever of the special structural features of present invention claims 18 and 31 (compare, e.g., Sanso Figs. 3 and 4 and corresponding description). Thus, it is not seen how Sanso anticipates the present invention. Nor is it seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of Sanso.

Claim 33 is rejected under 35 U.S.C. §103(a) over Sanso and, further, in view of Brown. Both Sanso and Brown are discussed above. Neither teach or suggest the elongated body further comprising respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends

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by of said borings, as set forth in claim 18. Thus, it is not seen how the combination makes up for the same deficiencies in each. Claim 33 is patentable for at least the same reasons as discussed above. It seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Sanso and Brown.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

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Respectfully submitted,

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